

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF MARBLEHEAD COMMUNITY ACCESS & MEDIA, INC. (MHTV)

MARBLEHEAD COMMUNITY ACCESS & MEDIA, INC. (MHTV) appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking ("FNPRM") in the above-referenced docket.

Marblehead Community Access and Media (MHTV) is a nationally, regionally, and locally recognized leader in Public Access programming. Year after year, MHTV received highest honors from both the Alliance for Community Media's national and regional organizations. The Town of Marblehead has repeatedly acknowledged MHTV's contribution to the life of the community, and in 2013, MHTV was named "Non-Profit of the Year" by the Marblehead Chamber of Commerce, and received a commendation from the Massachusetts State Senate.

Currently, MHTV operates a single Standard Definition Public Access cable channel that serves the Public, Educational, and Municipal television needs of the Town. Both Comcast and Verizon serve the customers in Marblehead.

We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees.

We believe

(1) that the impact to our budget of reduced franchise fees would be devastating to MHTV and Marblehead;

(2) the long-standing agreement from the cable operator that such obligations are not franchise fees;

(3) that using fair market value to determine the amount to be considered a franchise fee will lead to arbitrary deductions.

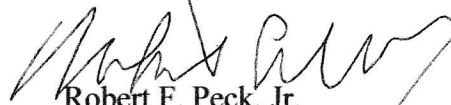
We reject the implication in the FNPRM that PEG programming is for the benefit of the local franchising authority (LFA) or a third-party PEG provider, rather than for the public or the cable consumer. As demonstrated above, MHTV provides valuable local programming that is not otherwise available on the cable system or in other modes of video delivery such as satellite. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated the LFA and therefore should not be considered contributions to an LFA.”¹ PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the

Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.

We invite the Commission to view for themselves the important benefits provided by local content in PEG programming. [This link \(https://vimeo.com/288752923/a6b4b39b14\)](https://vimeo.com/288752923/a6b4b39b14) is to a video of Marblehead residents and local government officials describing the value of PEG programming to the community.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,



Robert F. Peck, Jr.
President

November 8, 2018